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**From:** Gallo, Madeline [Gallo.Madeline@epa.gov]  
**Sent:** 11/19/2019 8:29:09 PM  
**To:** David M. Metres [DMetres@bargcoffin.com]  
**CC:** Vivian Craig [viviancraig@navajo-nsn.gov]; hkarr@nndoj.org; Calanog, Steve [Calanog.Steve@epa.gov]; Townsend, Amanda [townsend.amanda@epa.gov]; Tom, Priscilla [Tom.Priscilla@epa.gov]; Chilingaryan, Sona [Chilingaryan.Sona@epa.gov]  
**Subject:** Haystack - location of relocation lease areas  
**Attachments:** Survey of residential lease areas 20191114094148643.pdf

Dave,

I am following up on the phone call we had this morning, to repeat in writing what we discussed and to loop in the Navajo Nation EPA and DOJ.

You called me last Friday to alert EPA to BNSF's realization that the surveys performed several weeks ago, to delineate the boundaries of the 1-acre parcels for the residential lease applications for the residents currently living at Haystack Mine No. 1, inadvertently overlapped with US EPA's boundaries of the mine itself. The figure you sent me to show the overlapping boundaries is attached.

After discussing this situation with the US EPA team, our recommendation is to:

1. Work with US EPA and NN EPA to reach out to the residents and determine potentially acceptable lease boundaries to the north of the mine site boundaries. Priscilla said that some of the residents' relatives live nearby, so the residents may want to avoid moving the lease boundaries too close to their relatives' land.
2. Conduct a thorough gamma scan of the area where the residents are willing to relocate.
3. When reviewing the scanning results, look closely at anything above the investigation level.
4. Attempt to set boundaries to avoid areas above the investigation level to the greatest extent possible.
5. If it is not possible to entirely avoid areas with elevated radiation, it may be necessary to remove some soil at the new home site to eliminate those concerns, and consolidate the removed soil onto another part of the mine site where BNSF will be conducting the time-critical removal action.
6. Consult with the residents again on the general boundaries of the scanned area.
7. Conduct a land survey to delineate two 1-acre parcels.
8. Revisit the cultural resources and biological surveys to ensure their applicability to the newly surveyed area.

I am nearing the limits of my current technical understanding, so I have asked Steve Calanog to follow up with Mike Makerov to discuss the finer points of this plan.

US EPA recognizes that this may create some delays in individual pieces of the schedule, but we believe that the overall schedule will not be substantially affected. During our last call, BNSF confirmed that Clayton Homes will not be able to provide the new homes until February, and the time-critical soil removal is expected to occur in the spring. Steve estimates that the scanning can be done in under two weeks, and many of the steps above could be combined into a more iterative process (for example, by consulting with the family while scanning the area to locate acceptable boundaries that satisfy everyone's concerns). You told me that Drew estimated about 2-3 weeks for the land/legal survey, and potentially 2-3 months if the cultural resources survey needs to be redone. The safety of the residents is very important to US EPA, so we want to make sure that this is done correctly, even if it means short delays.

Thank you for bringing this issue to our attention. If you would like to discuss this with the broader group before next Tuesday's regularly scheduled call, please propose a few times and we will let you know our availability.

Maddy

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